

Family and Medical Leave

The Family and Medical Leave Act is federal law that provides up to 12 weeks for unpaid, job-protected leave for eligible employees for certain family and medical reasons. Kentucky State Government offers enhanced FML benefits in some areas to eligible employees. To be eligible for benefits, an employee must have worked for Kentucky State Government for a total of at least 12 months and have worked or been on paid leave for at least 1,250 hours in the 12 months immediately preceding the first day of Family Medical Leave.

Leave Entitlement

An eligible employee must be granted up to a total of 12 weeks of leave during the calendar year for:

- the birth or placement of a child for adoption or foster care. Federal regulations allow a combined total of 12 weeks for eligible husband and wife working for the same employer, however, Kentucky State Government grants up to 12 weeks to each parent;
- to care for an immediate family member (spouse, child, or parent or someone of similarly close blood or legal relationship who has resided with the employee for not less than 30 days prior to the first day of FML) with a serious health condition;
- medical leave when the employee is unable to work because of a serious health condition.

Although the FMLA allows the employer the option to require employees to use accrued paid leave for FML, Kentucky State Government does not require that an employee's leave for a qualifying condition be designated as FML until that employee has utilized all of his/her accrued sick and annual leave (with the exception that an employee may request, in writing, to retain up to 10 sick days). An employee does not have to exhaust accumulated compensatory time before requesting FML. If an employee uses paid leave for a qualifying condition, the 12 weeks of eligible time for FML is not triggered until the leave is designated as FML. It is important to note that an employee may request qualifying leave to be designated FML at any time (even if the employee is still using paid leave). The employer is responsible for designating if an employee's use of paid leave counts as FMLA leave, based on information from the employee.

Military Caregiver Leave

Eligible employees who are family members of covered service members will be able to take up to 26 work weeks of leave in a single 12-month period to care for a covered servicemember with a serious illness or injury incurred in the line of duty. This leave extends protection to additional family members (next of kin) beyond those who may take FML for other qualifying reasons.

Qualifying Exigency

Eligible employees who are family members of covered service members will be eligible for 12 weeks of FML for any “qualifying exigency” which arises out of active duty or a call to active duty. This military leave entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation.

Intermittent Leave

Under certain circumstances employees may take leave in blocks of time, or by reducing their normal daily or weekly work schedule. Intermittent leave for the birth or placement of a child for adoption or foster care is subject to employer’s approval. Leave due to an employee’s own medical condition or that of a family member may be taken on an intermittent basis when medically necessary.

Advance Notice and Medical Certification

The employee may be required to provide advance leave notice and medical certification or other supporting documentation. Forms are available from Human Resources or may be downloaded.

KY Administrative Regulation

101 KAR 2:102, Section 3

Job Benefits and Protection

- A covered employer is required to maintain group health insurance coverage for an employee on FML whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. As a State employee you will also have the State's share of your group life insurance provided while you are on FML. If applicable, arrangements will need to be made for employees to pay their share of health and life insurance premiums while on leave.
- Upon return from FML and once certified that the employee can perform the essential functions of their position, employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FML leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Forms

Family Medical Leave Application

Eligibility, Rights & Responsibilities

Certification of Health Care Provider for Employee's Serious Health Condition

Certification of Health Care Provider for Family Member's Serious Health Condition

Certification of Qualifying Exigency For Military Family Leave

Certification for Serious Injury or Illness of Covered Servicemember

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